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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,648	12/05/2001	Andreas Winter	450117-03702	5036
20999	7590	12/21/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			PATEL, GAUTAM	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

92A

# Office Action Summary

Application No.

10/009,648

Applicant(s)

WINTER ET AL.

Examiner

Gautam R. Patel

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 11-15, 18 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 16, 17, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12-5-01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-9 and 11-25 are pending for the examination. Claim 10 was canceled with present amendment.

#### **Priority**

2. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

#### **Election/Restriction**

3. Claims 9 and 19 withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b) as being drawn to computer accessible storage device. Election was made with traverse of claim 11-18.

Applicant's election with traverse of group B in Paper dated 9-16-04 is acknowledged.

However a phone call was made to Mr. Frommer on it was mutually decided that claims 18, 11-18 and 20-25 will be examined and claims 9 and 19 will not be examined.

All arguments thus are now resolved and claims 1-8, 11-18 and 20-25 are elected without traverse.

The requirement is now considered proper and is therefore made FINAL.

#### **Claim Rejections - 35 U.S.C. § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-4, 8, 11-14, 18 and 20-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hogan et al., US. patent 6,532,201 (hereafter Hogan).

As to claim 1, Hogan discloses the invention as claimed [see Figs. 2-8, especially 2 and 6-8] comprising the steps of:

writing additionally generated data to at least one specific portion of the record carrier so that a general purpose reading device which can access record carriers of different formats which accesses said record carrier judges said record carrier to be [unaccessable] inaccessible [col. 10, lines 42-67].

5. The aforementioned claim 2, recites the following steps, inter alia, disclosed in Hogan:

said data generation comprises the step of generating at least one special pattern which is decoded so that no clock regeneration of the stored data can be performed by said reading device when accessing the at least one specific portion of the record carrier which stores said special pattern [col. 9, line 62 to col. 10, line 67].

6. The aforementioned claim 3, recites the following steps, inter alia, disclosed in Hogan:

data generation comprises the step of copying a synchronization pattern at least once into said at least one specific portion of the record carrier at a respective position normally not having a synchronization pattern [col. 9, line 62 to col. 10, line 67].

NOTE: The Applicants merely claiming how synchronization pattern is generally recorded. It futile to record synchronization pattern where it already or normally exist.

7. The aforementioned claim 4, recites the following steps, inter alia, disclosed in Hogan:

Art Unit: 2655

generated data is arranged to be written to a lead-in portion and/or a middle area and/or a lead-out portion of a session recorded on the record carrier [col. 10, lines 42-55].

8. The aforementioned claim 8, recites the following steps, inter alia, disclosed in Hogan:

said record carrier is a CD or DVD [col. 6, lines 42-63].

9. As to claims 11-14, they are claims corresponding to claims 1-4 respectively and they are therefore rejected for the similar reasons set forth in the rejection of claims 1-4 respectively, supra.

10. As to claim 18 it is claim corresponding to the method of claim 8, and is therefore rejected for similar reasons set forth in the rejection of claim 8, supra.

11. As to claims 20-22, they are claims corresponding to claims 11-13 respectively and they are therefore rejected for the similar reasons set forth in the rejection of claims 11-13 respectively, supra.

### **Claim Rejections - 35 U.S.C. § 103**

12. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5, 15 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hogan as applied to claims 1-4, 8, 11-14 and 20-23 above in view of Smyers et al., US. patent 6,721,859 (hereafter Smyers).

As to claim 5, Hogan discloses all of the above elements, including lead-in zone data zone and lead-out-zone. These zones inherently has address or session pointers for there proper location on the disc and proper readout and write-in. Smyers does not specifically disclose details of these session pointers or that when copy protection is given to some areas these pointers are modified, which again has to be done inherently to redefine these areas.

However, modified pointers are well known in the art for data protected discs and are routinely used for these kind of data arrangements.

Also Smyers clearly discloses:

that said additionally generated data comprises a modified session pointer [col. 9, lines 20-31, col. 10, lines 1-10 & col. 13, lines 11-18].

Both Hogan and Smyers are interested in improving the data arrangement on a disc. Both are showing multiple format data. Both are interested in copy protection.

One of ordinary skill in the art at the time of invention would have realized that when asynchronous data gets recorded some mechanism is necessary to redefine the area where sensitive or data which helps protect disc from getting copied needs to be stored and that address needs to be different than the normal data address.

Therefore, it would have been obvious to have used a modified session pointer in the system of Hogan as taught by Smyers because one would be motivated to arrange the additionally generated data for the protection of the disc] at an addresses different from the normal addresses, so as to copy protect the disc.

13. As to claims 15 and 23 they are claims corresponding to the method of claim 5, and are therefore rejected for similar reasons set forth in the rejection of claim 5, supra.

### **Allowable Subject Matter**

14. Claim 6-7, 16-17 and 24-25 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

NOTE: Claims 6-7, 16-17 and 24-25 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a method to produce data which stores data as an asynchronous signal which has a modified session pointer and this "modified session pointer is a recursive session pointer OR this modified session pointer is arranged in the third session". It is noted that the closest prior art, Smyers shows a similar modified session pointer. However Smyers fails to disclose that this pointer is a recursive session pointer or that this modified session pointer is arranged in the third session.

### **Other prior art cited**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Van Den Enden et al. (US. Patent 6,469,968) "Varying the process ....".
- b. Davis et al. (US. patent 5,809,006) "Optical disk .....".
- c. Crowley (US. patent 6,096,962) "Method and apparatus ..."
- d. Gary et al. (US. patent 5,086,495) "Solid modeling system ...".

### **Contact Information**

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is (703) 308-7940. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

Art Unit: 2655

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To can be reached on (703) 305-4827.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4700 or the group Customer Service section whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read 'Gautam R. Patel', with a long horizontal line extending to the right.

**GAUTAM R. PATEL**  
**PRIMARY EXAMINER**

Gautam R. Patel  
Primary Examiner  
Group Art Unit 2655

December 17, 2004